

REMARKS

In the July 5, 2005 Office Action, the Examiner:

- Rejected claims 1, 3-11, 15-16, 18-21 and 26-30 under 35 U.S.C. 103(a) as unpatentable over Mayaud (“*Mayaud*”, U.S. Pat. No. 5,845,255) in view of Kaker et al. (“*Kaker*”, U.S. App. Pat. No. 2001/0037218); and
- Rejected claims 12-14, 17 and 22-25 under 35 U.S.C. 103(a) as unpatentable over *Mayaud* in view of *Kaker* and further in view of “nevoca.com Enhances Prescription Verification System” (“*nevoca*”).

After entry of this amendment, the pending claims are: claims 1 and 3-35.

Examiner Interview Summary

On September 8, 2005, Applicant’s representatives (hereinafter “Applicants”), Dion Bregman and Yalei Sun, participated in an interview with Examiner Christopher Gilligan (hereinafter “Examiner”). During this interview Applicants discussed the rejections of the claims in the final office action dated July 05, 2005. More specifically, Applicants discussed the distinctions between claim 1 and the references cited by the Examiner.

Applicants agreed to amended claim 1 to further define that the computer monitoring step includes periodically determining whether a predetermined time period before the expiration date has been reached and that the prescription renewal request is computer-generated without **human** intervention.

The Examiner stated that such an amendment should overcome the prior art of record. The Examiner agreed that he would arrange another phone interview with Applicants before issuing any further office actions should any issues remain.

Claim Amendments

Claim 1 has been amended to further define that the computer monitoring includes periodically determining whether a predetermined time period before the expiration date of a prescription has been reached, and that the prescription renewal request is computer-generated without human intervention. Similar amendments have been made to independent claims 22 and 24. In addition, Applicants have added a new set of claims 31-35 to the present application.

Support for the amended and new claims can be found in the specification on page 11, line 19 – page 12, line 5, and in FIG. 6. For example, the renewal notification procedure 226 of FIG. 1 periodically determines whether the renewal date has been reached at step 610 of

FIG. 6. In one particular embodiment of the present invention, the renewal date is set to a specific time period (e.g., three weeks) before the expiration date of a prescription. Once the renewal date has been reached, a renewal prescription request is generated at step 612 and transmitted to a prescriber responsible for prescribing the original prescription at 614.

No new matter is added to any of the amended or new claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1, 3-11, 15-16, 18-21 and 26-30 under 35 U.S.C. 103(a) as unpatentable over *Mayaud* in view of *Kaker*; and claims 12-14, 17 and 22-25 as unpatentable over *Mayaud* in view of *Kaker*, and further in view of *nevoca*.

Neither *Mayaud*, *Kaker* nor *nevoca*, alone or in combination, disclose, teach or suggest any of the newly added features recited in amended independent claim 1. Therefore, it is respectfully submitted that claim 1 and its dependent claims 3-21 and 26-30 are patentable over *Mayaud* in view of *Kaker* and further in view of *nevoca*.

Furthermore, claims 22 and 23 have been rejected for similar reasons to those of claims 1, 5, and 17. Similarly, claims 24 and 25 have been rejected for similar reasons to those of claims 1 and 17. Accordingly, these claims are also patentable over *Mayaud* in view of *Kaker* and further in view of *nevoca* (for at least the same reasons mentioned above). Claims 31-35 substantially correspond to claim 1, 3-6, and are, therefore, also patentable over the cited references.


CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant encourages the Examiner to call the undersigned attorney at 650-849-7603 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 061018-0008-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

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